

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE MEDRANO,

Plaintiff,

No. C 06-02212 MHP

v.

COMMISSIONER OF SOCIAL SECURITY,

ORDER
Re: Defendant's Motion to Dismiss

Defendant.

On March 28, 2006 plaintiff filed a complaint for review of a decision denying a claim for benefits under the Social Security Act, 42 U.S.C. 405(g). On April 3, 2006 the court issued an order granting plaintiff's motion for leave to proceed in forma pauperis and directing plaintiff to effectuate service. Plaintiff failed to comply with the court's order to have service of process executed. On September 12, 2006 defendant moved to dismiss plaintiff's complaint for failure to execute service of process within 120 days pursuant to Federal Rule of Civil Procedure 4.

On September 25, 2006, this court issued an order to show cause answerable on or before October 17, 2006, why plaintiff's complaint should not be dismissed. Plaintiff has failed to respond or effectuate service and it is five months past the due date for such action. Therefore, defendant's motion to dismiss plaintiff's complaint is GRANTED. The Clerk of Court shall close the file.

IT IS SO ORDERED.

Dated: *March 27, 2007*


MARILYN HALL PATEL
District Judge
United States District Court
Northern District of California